

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

CASSIE KIRKENDOLL,)	3:09-CV-281-ECR-RAM
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: January 26, 2009
)	
ADAM GARCIA, an individual, TODD)	
RENEWICK, an individual, NEVADA)	
SYSTEM OF HIGHER EDUCATION,)	
a State entity,)	
)	
Defendants.)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Now pending before the Court is Defendants' motion for judgment on the pleadings (#5). On December 22, 2009, we denied (#18) Plaintiff's motion for leave to file an amended complaint (#9) because the proposed amended complaint failed to include plausible allegations of fact in support of its conclusory allegations of conspiracy. The original complaint (#1) filed in this action suffers from the same deficiencies. As such, the motion for judgment on the pleadings will be granted.

Twice now, Plaintiff has submitted complaints that characterize the Defendants' conduct as conspiratorial, but fail to state a claim to relief that is plausible on its face. Plaintiff's theory is that Defendants conspired outside the scope of their employment to deprive Plaintiff of her civil rights by engaging in retaliatory activity against Plaintiff for her decision to complain of discrimination on the basis of gender, and attempting to prevent her from reporting further gender discrimination. Plaintiff's allegations of fact in support of the existence of a conspiracy, however, consist mainly of allegations of a continuing hostile work environment, plus the bare assertion that this was now retaliation for reporting discrimination and an attempt to prevent further reporting of

discrimination, rather than simply discrimination. Also, Plaintiff has alleged that Defendants may have conspired to involve the Attorney General's office in an investigation of Plaintiff's report of falsification of evidence in a separate matter, with the intent that the investigation would have an inconclusive result. We do not see how either of these allegations, together or separately, amount to a plausible claim for conspiracy to deprive Plaintiff of her civil rights.

IT IS, THEREFORE, HEREBY ORDERED that Defendants' motion for judgment on the pleadings (#5) is **GRANTED**.

The Clerk shall enter judgment accordingly.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk